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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,208	02/14/2002	Shinya Adachi	34409	7063

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EXAMINER

TO, TUAN C

ART UNIT

PAPER NUMBER

3663

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,208

Applicant(s)

ADACHI ET AL.

Examiner

Tuan C To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003 and 24 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubschneider et al. (US 2002/0091486A1) and in view of Ito et al. (US 6542816B1).

Claims 1 and 4: Hubschneider et al. disclose a motor vehicle navigation system that receives route information from a central unit, where said central unit is

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characterized in that the traffic information, instantaneous location and destination are transmitted from the control unit to the vehicle unit (See page 1, paragraph 0008). And said vehicle unit is a navigation device for navigating the vehicle from a current location to a specified destination (See Figure 1, 7). However, Hubschneider et al. do not disclose road shape data including said on-road location information consisting of a string of coordinates representing the road shape, and that a party receiving the on-road location information performs shape matching using said road shape data to identify said road section on the digital map and uses said relative data to identify the on-road location in said road section. The U.S Patent No. '816B1 to Ito et al. is the secondary reference, disclosing the missing features from Hubschneider et al. In fact, Ito et al. teach a communication navigation system wherein said navigation system sends a request about road related data to a control center and the control center send a feedback in response to the request. Whenever the user requests the guidance data from the control center, data such as the road length data, data of coordinates etc. are transmitted to the navigation apparatus mounted on the vehicle. In addition, Ito et al. also show a flow chart of the navigation operation, wherein step S3 performs matching the received data from the control center and the own map information stored in the navigation apparatus mounted on the vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system and method of Hubschneider et al and Ito et al. in order to select an optimum route or road that users are able to travel to his or her destination without suffering by the traffic jam caused by the accident or the like.

Claims 2 and 5: As further explained in Ito et al.'s, the coordinates data includes the longitude and latitude represented a road point.

Claims 3 and 6: Ito et al. also disclose the feature "characterized in that said method uses distance data from a specific point in the road section".

Claim 7: The figure 1 of Ito et al. shows that the communication unit 151 is provided as the location information transmission apparatus as claimed.

Claim 8 and 9: As discussed above the control center with the center device 150 shown in figure 1 of Ito et al. is considered as a center for transmitting necessary traffic data to travelers when on the road.

Response to Amendment

In response to the amendment filed on 05/05/2003 and the remarks dated on 03/24/2003, the examiner has withdrawn the previous art rejection based on Hayashi et al. (US patent No. 6035253) and the reference to Ito et al. is replaced to Hayashi et al. to overcome the missing features from Hubschneider et al. as discussed above. It is noted the combination of Hubschneider et al and Ito et al. would achieve the particular realistic objective of the invention. For the reason set forth above the application is now set in a condition for non-final rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273. The examiner can normally be reached on from 8:00AM to 5:00PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and none for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

/tc

July 10, 2003


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3601